

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (RCC)
) ECF Case
)

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No.
03-CV-5738;
ESTATE OF O'NEILL, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-1923;
SALVO, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 03-CV-5071; and
TREMSKY, *et al.* v. OSAMA BIN LADEN, *et al.*, Case No. 02-CV-7300.

**DECLARATION OF ALAN R. KABAT IN SUPPORT OF
DEFENDANT AL HARAMAIN ISLAMIC FOUNDATION, INC.'S
MOTION TO DISMISS
THE CONSOLIDATED PERSONAL INJURY COMPLAINTS**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to defendant Al Haramain Islamic Foundation, Inc. (U.S.A.) ("AHIF"). I submit this declaration to transmit to the Court the following documents submitted in support of AHIF's motion to dismiss the consolidated personal injury complaints (Feb. 7, 2005):

1. Exhibit 1 to AHIF's motion to dismiss is a copy of the Declaration of Alan R. Kabat Regarding the Complaints Filed in No. 03 MDL 1570 (Feb. 3, 2005).
2. Exhibit 2 to AHIF's motion to dismiss is a copy of the Articles of Incorporation for the Qur'an Foundation (Sept. 5, 1989).
3. Exhibit 3 to AHIF's motion to dismiss is a copy of the Articles of Incorporation for the Al Haramain Islamic Foundation, Inc. (Feb. 11, 1999), and the Restated Articles of

Incorporation for the Al Haramain Islamic Foundation, Inc. (March 8, 1999).

4. Exhibit 4 to AHIF's motion to dismiss is a copy of the Notice of Status filed in the *Burnett* case in the U.S. District Court for the District of Columbia (June 23, 2003) (D.D.C. Docket No. 184).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on February 7, 2005.



ALAN R. KABAT